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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 268 OF 2006
IN
FAMILY COURT APPEAL NO. 38 OF 2003

Rajiv Ramchandra Kamble ... Applicant

V/s

Nilima Ramchandra Kamble ... Respondent

Mr. R.S. Apte i/by Vaibhav Patankar for the applicant.

None for the respondent.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATED: 6TH FEBRUARY, 2007.

P.C.:

1. Heard Mr. Apte, learned counsel for the applicant. Other side absent.

2. This is a civil application to restore the Family Court Appeal No. 38 of 2003 which was dismissed at the stage of final hearing when no one was found present on behalf of the appellant. There is also delay in filing the civil application. Surprisingly, no cogent reasons have been assigned for setting aside the impugned order in this application. However, in the interest of

justice and fair trial, we are inclined to set aside the order of dismissal for default dated 25.7.2006, however, at some cost.

3. We, therefore, allow this civil application in terms of prayer clauses (a) and (b) subject to the cost of Rs.2000/- to be paid to the respondent within a period of two weeks. If the cost is not paid within a stiuplated period, the order dated 25.7.2006 shall be made absolute.

4. Civil application disposed of.

(SMT. NISHITA MHATRE, J.) (S.B. MHASE, J.)